

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

Peter T. Dallo  
CLERK

LOCKBOX 18  
844 KING STREET  
U.S. COURTHOUSE  
WILMINGTON, DELAWARE 19801  
(302) 573-6170

TO: MAILROOM PERSONNEL RESPONSIBLE FOR DELIVERING MAIL TO  
INMATES

Enclosed you will find an envelope addressed to an inmate. When the envelope is delivered to the inmate, please have the inmate fill in the date at the place provided on the acknowledgment form directly below these instructions, and have the inmate sign their name to acknowledge that they received the correspondence. The person delivering the mail should then sign on the line designated for "Witness." If an inmate should contend they never received a communication from the Court, production or non-production of the receipt will be considered by the Court in disposing of the inmate's contention. *For this reason, mailroom personnel are cautioned to organize, file and save the receipts so that the same can be readily found if the issue should arise.* The operating head of each institution is aware of this procedure. **PLEASE DO NOT SEND COMPLETED RECEIPTS TO THE DISTRICT COURT.**

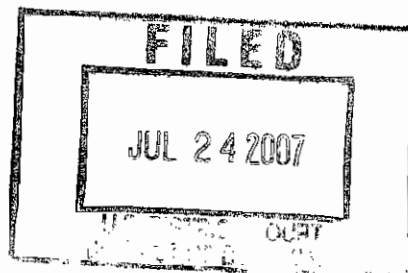
ACKNOWLEDGMENT OF RECEIPT OF MAIL

I, \_\_\_\_\_, do acknowledge by my  
signature below, that I received on \_\_\_\_\_, an  
envelope from the U.S. District Court for Delaware, containing:

\_\_\_\_\_  
issued by the Court on \_\_\_\_\_

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Recipient)



*(Signature)*

Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware 19801-3570

OFFICIAL BUSINESS

RECEIVED

INMATE LINKAGE - ENCLOSURE  
INMATE RELEASED  
CORRESPONDENCE REFUSED

Michael Smallwood

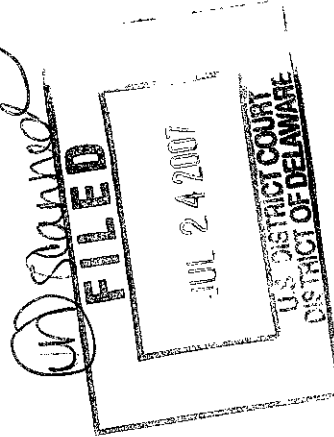
SBI# 276830

Howard R. Young Correctional Institution

P.O. Box 9561

Wilmington, DE 19809

CONFIDENTIAL  
JUL 17 2007



AO FORM 85 RECEIPT (REV. 9/04)

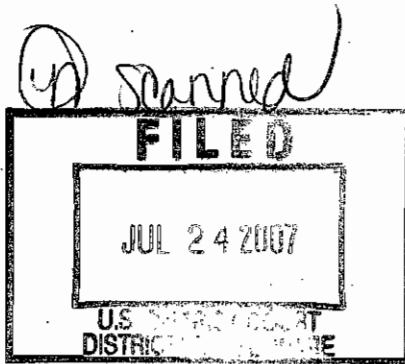
United States District Court for the District of Delaware

Civil Action No.

07cv405 JJF

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**



I HEREBY ACKNOWLEDGE RECEIPT OF \_\_\_\_\_ COPIES OF AO FORM 85.

\_\_\_\_\_  
(Date forms issued)

\_\_\_\_\_  
(Signature of Party or their Representative)

\_\_\_\_\_  
(Printed name of Party or their Representative)

PLEASE COMPLETE AND RETURN TO THE U.S. DISTRICT COURT

**Note: Completed receipt will be filed in the Civil Action**

## UNITED STATES DISTRICT COURT

District of \_\_\_\_\_

NOTICE, CONSENT, AND ORDER OF REFERENCE —  
EXERCISE OF JURISDICTION BY A UNITED STATES  
MAGISTRATE JUDGE

Case Number: 07cv405 JJF

Plaintiff

V.

Defendant

FILED

JUL 24 2007

U.S. DISTRICT COURT  
DISTRICT OF DELAWARENOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

## CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

## ORDER OF REFERENCE

IT IS ORDERED that this case be referred to \_\_\_\_\_  
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED  
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RAYMOND E. BLAKE, )  
ANTHONY M. WALKER, )  
MICHAEL A. JOY, )  
NAHEIM HAMMOND, )  
MICHAEL SMALLWOOD, )  
GENE B. MADGETTE, )  
ANTHONY D. ROGERS, )  
DARON J. RODGERS, )  
STEVEN JOYNER, )  
TERRENCE ROBINSON, )

Plaintiffs, )

v. )

Civil Action No. 07-405-JJF

HEALTHCASE C.M.S., )  
WARDEN RAPHAEL WILLIAMS, )  
COMMISSIONER CARL C. DANBERG, )  
GOVERNOR RUTH ANN MINNER, )  
MAYOR JAMES M. BAKER, )

Defendants. )

**ORDER**

1. The plaintiffs Michael A. Joy, SBI #519040, Naheim Hammond, SBI # 304560, Michael Smallwood, SBI #276030, Gene B. Madgette, SBI #334809, Daron J. Rodgers, SBI #328265 and Terrence Robinson, SBI #471012, all pro se litigants who are presently incarcerated, have filed this action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee or a request to proceed in forma pauperis.

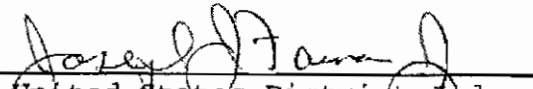
2. Pursuant to 28 U.S.C. § 1915(b), the plaintiffs shall be assessed the filing fee of \$350.00.

3. Pursuant to the requirements of 28 U.S.C. § 1915(a)(1) and (2), and in order to determine the schedule of payment of the filing fee, each plaintiff shall submit to the Clerk of Court, a request to proceed in forma pauperis and a certified copy of his prison trust fund account statement (memorandum or institutional equivalent, with attachments) showing all deposits, expenditures and balances during the six-month period immediately preceding the filing of the complaint, obtained from the appropriate official at each institution at which the plaintiffs are confined. **FAILURE OF THE PLAINTIFFS TO RETURN THE REQUESTED INFORMATION WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.**

4. Unless the Court determines from the plaintiffs' financial information that they have no assets whatsoever, an initial partial filing fee of 20 percent (20%) of the greater of the plaintiffs' average monthly deposit or average monthly balance in the trust fund account shall be required to paid before the court reviews the complaint. **NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

5. Pursuant to 28 U.S.C. § 1915(g), if the plaintiffs have had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, then the Court shall deny the plaintiffs leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the Court determines that a plaintiff is under imminent danger of serious physical injury.

DATED: July 10, 2007

  
United States District Judge

Unit  
844  
Wilm



UP  
844  
WILCO

Office of the Clerk

United States District Court

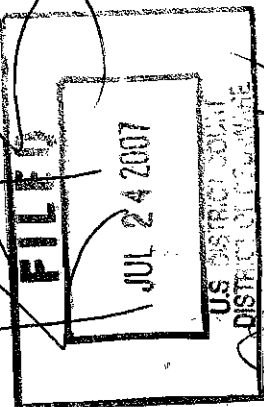
844 N. King Street, Lockbox 18

Wilmington, Delaware 19801-3570

OFFICIAL BUSINESS

RETURN TO SENDER

INMATE UNKNOWN NO INMATE BY THIS SPTLING  
INMATE RELEASED INCLOSURE UNAUTHORIZED  
CORRESPONDENCE REFUSED



RETURN TO SENDER

INMATE UNKNOWN  
INMATE RELEASED  
CORRESPONDENCE REFUSED  
NO INMATE BY  
ENCLOSURE

INSUFFICIENT ADDRESS  
ATTEMPTED NOT KNOWN  
NO SUCH NUMBER/ STREET  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

RTS  
RETURN TO SENDER